

LABOUR DEPARTMENT

The 26th July, 1976

No. 4529-4Lab-76/21368.—In pursuance of the provisions of section 17 of the Industrial Disputes Act, 1947 (Act No. XIV of 1947), the Governor of Haryana is pleased to publish the following award of the Presiding Officer, Industrial Tribunal, Faridabad, in respect of the dispute between the workman and the management of M/s Precision Stampings, Plot No. 106, Sector 24, Faridabad:—

BEFORE SHRI MOHAN LAL JAIN, PRESIDING OFFICER, INDUSTRIAL TRIBUNAL
HARYANA, FARIDABAD

Reference No. 157 of 1974

Between

SHRI D. K. GUHA CHAUDHARY, WORKMAN AND THE MANAGEMENT OF M/S PRECISION STAMPINGS, PLOT NO. 106, SECTOR 24, FARIDABAD

AWARD

By order No. ID/FD/74/35525, dated 17th October, 1974 the Governor of Haryana, referred the following dispute between the management of M/s Precision Stampings, Plot No. 106, Sector 24, Faridabad and its workman Shri D. K. Guha to this Tribunal, for adjudication, in exercise of the powers conferred by clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947.

Whether the dismissal of Shri D. K. Guha Chaudhary was justified and in order? If not, to what relief is he entitled?

The parties put in their appearance in this Tribunal in response to the usual notices of reference sent to them and filed their pleadings giving rise to the following issues, —*vide* order dated 2nd June, 1975.

- (1) Whether the demand the subject matter of the present reference was first raised by the management and rejected by it before taking up the matter for conciliation? If not, with what effect? (on workman)
- (2) Whether the dismissal of Shri D. K. Guha Chaudhary was justified and in order? If not, to what relief is he entitled?

The authorised representative for the workman prayed for an adjournment for adducing evidence and the case was accordingly adjourned to 10th November, 1975,—*vide* my order dated 25th August, 1975 on acceptance of his request, for recording evidence of the workman. The workman, however did not appear on 10th November, 1975 despite being directed to do so and adduce his evidence with the result that *ex parte* proceedings were taken up against him on that date.

The management in the mean time filed a settlement dated 21st November, 1975 and a receipt relating to payment of Rs. 41.50 by them to the workman in full and final settlement of all his claim against them including that of his reinstatement, alleged to have been duly executed and signed by the workman. Shri Ram Murti Sharma who appeared for the workman on 19th December, 1975 after *ex parte* proceedings had been taken up against the latter,—*vide* my order dated 10th November, 1975 wanted time to file a reply to the plea of the management relating to the settlement. The case was accordingly adjourned to 13th February, 1976,—*vide* my order dated 19th December, 1975 for filing of the reply of the workman, when his authorised representative again made a request for adjourn to enable him to contact the workman. His request was again accepted and the case was adjourned to 9th March, 1976 when neither the workman nor his authorised representative appeared with the result that *ex parte* proceedings were again taken up against the workman.

The management in *ex parte* evidence examined Shri S. K. Kochhar their Accounts Officer who deposed that the workman concerned Shri D. K. Guha received a sum of Rs. 41.50 *vide* cash debit voucher dated 21st November, 1975 (copy Ex. M-1) from him in full and final satisfaction of all his claim against the management including that of his reinstatement and that he signed the voucher in his presence under the endorsement “received full and final payment”.

I see no reason to disbelieve the statement of Shri S. K. Kochhar, particularly when the proceedings against the workman are *ex parte* and he has not taken care to pursue the demand raised by him on the management leading to this reference despite opportunity being given to him time and

again for that purpose. I thus relying on the evidence of Shri S. K. Kochhar hold that the workman has withdrawn the demand raised by him on the management leading to this reference,—vide receipt of sum of Rs 41.50 executed by him in pursuance of the settlement dated 21st November, 1975 and that there is now no dispute between the parties requiring adjudication.

I accordingly answer the reference while returning the award in terms of these findings.

MOHAN LAL JAIN,

Dated 1st May, 1976.

Presiding Officer,
Industrial Tribunal, Haryana,
Faridabad.

No. 564, dated 3rd May, 1976.

Forwarded (four copies) to the Secretary to Government, Haryana, Labour and Employment Departments, Chandigarh, as required under section 15 of the Industrial Disputes Act, 1947.

MOHAN LAL JAIN,

Dated 3rd May, 1976.

Presiding Officer,
Industrial Tribunal, Haryana,
Faridabad.

No. 4874-4Lab-76/21370.—In pursuance of the provisions of section 17 of the Industrial Disputes Act, 1947 (Act No. XIV of 1947), the Governor of Haryana is pleased to publish the following award of the Presiding Officer, Industrial Tribunal, Faridabad, in respect of the dispute between the workmen and the management of M/s. Mahandru Industries, 14/6, Mile Stone, Mathura Road, Faridabad.

BEFORE SHRI MOHAN LAL JAIN, PRESIDING OFFICER, INDUSTRIAL TRIBUNAL,
HARYANA, FARIDABAD

Reference No. 162 of 1973

between

SHRI VINDYACHAL, WORKMAN AND THE MANAGEMENT OF M/S. MAHANDRU
INDUSTRIES, 14/6, MILE STONE, MATHURA ROAD, FARIDABAD

AWARD

By order No. ID/FD/73/39143-47, dated 20th September, 1973, the Governor of Haryana, referred the following dispute between the management of M/s. Mahandru Industries, 14/6, Mile Stone, Mathura Road, Faridabad and its workman Shri Vindyachal, to this Tribunal for adjudication, in exercise of the powers conferred by clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947:—

Whether the termination of services of Shri Vindyachal is justified and in order? If not, to what relief is he entitled?

The parties put in their appearance in this Tribunal in response to the usual notices of reference sent to them and filed their pleadings.

The management relied upon settlement alleged have been arrived at between the parties on 9th May, 1974 whereby the workman vacated their residential quarter allotted to him and withdrew the demand raised by him on the management leading to the reference.

Shri Roshan Lal Sharma, authorised representative for the workman made his statement on 11th May, 1976 affirming the pleas of the management and giving out that the workman had settled his dispute with the management and have received all his dues. He admitted that the settlements Ex. 1 and W. 2 were in the handwriting of the workman and bore his signatures and that he did not propose to proceed with demand raised by him on the management.

It would thus appear that the dispute between the parties has been amicably settled and that there is now no controversy between them requiring adjudication.

I hold accordingly in answer the reference while returning the award in these terms.

MOHAN LAL JAIN,

Dated the 12th May, 1976.

Presiding Officer,
Industrial Tribunal, Haryana,
Faridabad.

No. 598, dated the 13th May, 1976.

Forwarded (four copies) to the Secretary to Government, Haryana, Labour and Employment Departments, Chandigarh, as required under section 15 of the Industrial Disputes Act, 1947.

Dated the 13th May, 1976.

MOHAN LAL JAIN,
Presiding Officer,
Industrial Tribunal, Haryana,
Faridabad.

No. 4054-4Lab-76/21372.—In pursuance of the provisions of section 17 of the Industrial Disputes Act, 1947 (Act No. XIV of 1947), the Governor of Haryana is pleased to publish the following award on the Presiding Officer, Industrial Tribunal, Faridabad, in respect of the dispute between the workmen and the management of M/s Alfamat (Private) Limited, Plot No. 148, Sector-24 Faridabad.

BEFORE SHRI MOHAN LAL JAIN, PRESIDING OFFICER, INDUSTRIAL TRIBUNAL,
HARYANA, FARIDABAD

Reference No. 39 of 1976

between

THE WORKMEN AND THE MANAGEMENT OF M/S ALFAMAT (PRIVATE) LIMITED,
PLOT NO. 148, SECTOR-24, FARIDABAD.

AWARD

By order No. ID/FD/911-A.75/5335, dated 2nd February, 1976, the Government of Haryana referred the following dispute between the management of M/s. Alfamat (Private) Limited, Plot No. 148, Sector-24, Faridabad and its workmen to this Tribunal, for adjudication, in exercise of the powers conferred by clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947:

Whether the workmen are entitled to the grant of bonus for the year 1973-74 ? If so, with details ?

Shri Adarsh Kishore authorised representative for the workmen made a statement today withdrawing the demand served by him on the management on behalf of the workmen.

It would thus appear that there is now no dispute between the parties requiring adjudication. I answer the reference while returning the award in terms of these findings.

Dated the 19th April, 1976.

MOHAN LAL JAIN,

Presiding Officer,
Industrial Tribunal, Haryana,
Faridabad.

No. 504, dated the 20th April, 1976.

Forwarded (four copies) to the Secretary to Government, Haryana, Labour and Employment Departments, Chandigarh, as required under section 15 of the Industrial Disputes Act, 1947.

MOHAN LAL JAIN,

Presiding Officer,
Industrial Tribunal, Haryana,
Faridabad.

Dated the 20th April, 1976.